

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services - Health Medical & Family Welfare Department - Allegation of Corruption against Sri D.V. Krishnaiah, formerly Senior Assistant, PHC, Yellayapalem, Nellore District - Trapped by ACB on 20.01.2001 - Convicted by special Judge for SPE & ACB cases, Nellore in C.C. No. 25 of 2001, dated 16.10.2006 - Dismissal from service on 09.04.2007 - Criminal Appeal No. 1433 of 2006 filled in the Hon'ble AP High Court - Acquitted - Reinstate into service - Further action dropped duly regularizing the suspension period and dismissal period as 'On-duty' in terms of F.R. 54-(B)(3) - Orders - Issued.

HEALTH MEDICAL & FAMILY WELFARE (VC.I) DEPARTMENT

G.O.Ms.No.99

Dated:22.08.2024

Read the following:

1. G.O.Ms.No.361, HM&FW (VC.I) Department, dated:17.09.2001.
2. Judgement Dated 16.10.2006 in CC No.25/2001 of the Special Judge for SPE&ACB cases, Nellore.
3. G.O.Ms.No.870, HM&FW (VC.1(1)) Department, dated:22.12.2006.
4. Judgment Dt:20.11.2023 in CLRA No.1433/2006 by the Hon'ble High Court.
5. From the DPH&FW, AP, Lr.Rc.No.11632/VC II.B/2001, Dt:04.03.2024 along with representation of Sri D.V. Krishnaiah, formerly Senior Assistant, PHC, Yellayapalem, Nellore District, dated:15.02.2024.
6. From the DG, ACB, Lr.Rc.No. 19/RCT-NNL/2001, dated:10.04.2024.

ORDER:

In the reference 1st read above, Government have accorded permission to prosecute Sri D.V.Krishnaiah, Senior Assistant, Primary Health Center, Yellayapalem, Nellore District in a court of law on the allegation that he demand and acceptance of bribe amount of Rs.1500/- from the complainant Smt N.Vasundara Devi, a Retired PHN, for doing official favour.

2. In the reference 2nd read above, the Special Judge for SPE & ACB cases, Nellore delivered the Judgement on 16.10.2006 in CC.No.25/2001 convicting the Accused Officer Sri D.V.Krishnaiah, formerly Senior Assistant, Primary Health Center, Yellayapalem, Kodavallur (M), Nellore district, and sentenced him to undergo Rigorous Imprisonment for six months and to pay a fine of Rs.500/- for the offence under section 7 of Prevention of Corruption Act, 1988 and also sentenced him to undergo Rigorous Imprisonment for one year and also to pay a fine of Rs.1000/- for the offence under section 13(2) read with 13(1) (d) of Prevention of Corruption Act 1988, and that both the sentences shall run concurrently.

3. In the reference 3rd read above, the punishment of dismissal from service was imposed against Sri D.V.Krishnaiah, formerly Senior Assistant, Primary Health Center, Yellayapalem, Kodavallur (M), Nellore in exercise of the powers conferred by the rule-9 read with Rule 25 of the A.P. Civil Services (CC&A) Rules, 1991.

4. Aggrieved by the Judgment of the Special Judge for SPE & ACB Cases, Nellore on 16.10.2006 in CC.No.25/2001, Sri D.V.Krishnaiah, formerly Senior Assistant, PHC, Yellayapalem, Nellore District has filed the Criminal Appeal No. 1433 of 2006 in the Hon'ble High Court questioning his conviction and sentence awarded by the Trial Court in C.C.No. 25/2001.

5. In the reference 4th read above, the Hon'ble High Court pronounced the judgement by allowing the appeal filed by the AO i.e. Sri D.V. Krishnaiah, formerly Senior Assistant, PHC, Yellayapalem, Nellore District setting aside the judgment dated 16.10.2006 passed in CC No.25 of 2001 on the file of the Special Judge for SPE & ACB cases, Nellore and acquitted the Accused Officer finding that the AO not guilty of the offenses punishable under Section 7 and 13 (1) (d) read with 13 (2) of the P.C. Act, 1988.

(PTO)

6. In the reference 5th read above, the DPH&FW, AP while forwarding the representation of Sri D.V.Krishnaiah formerly Senior Assistant, PHC, Yellayapalem, Nellore District has requested the Government to issue necessary orders on the representation of the individual i.e. to reinstate him into service and superannuate with all salary pensionary benefits and other emoluments as he is entitled duly treating the suspension and dismissal period as 'On-Duty'.

7. In the reference 6th read above, the Director General, Anti-Corruption Bureau has opined that it is a fit case to file Special Leave Petition before the Supreme Court of India and requested the Government to accord permission to file Special Leave Petition before the Supreme Court of India against the orders dated.20.11.2023 of the Hon'ble High Court of AP in Cr.Appeal No.1433/2006.

8. After careful examination of the matter, Government have decided not to prefer an appeal in the Hon'ble Supreme Court of India against the Hon'ble AP High Court Judgment dated 20.11.2023 and to drop further action against Sri D.V. Krishnaiah, formerly Senior Assistant, PHC, Yellayapalem, Nellore District in the Trap Case in CR.No.19/RCT-NNL/2001 by the ACB, duly regularizing the suspension period as 'On-Duty' in terms of FR.54-(B)(3) and dismissal period as 'On-Duty' in terms of F.R.54-B(3) with all consequential benefits, as he was acquitted in Hon'ble AP High Court in Criminal Appeal No. 1433 of 2006.

9. Accordingly, Government hereby drop further action against Sri D.V. Krishnaiah, formerly Senior Assistant, PHC, Yellayapalem, Nellore District in the Trap Case in CR.No.19/RCT-NNL/2001 by the ACB duly regularizing the suspension period as 'On-Duty' in terms of FR.54-(B)(3) and dismissal period as 'On-Duty' in terms of F.R.54-B(3) with all consequential benefits, as he was acquitted by the Hon'ble High Court in Criminal Appeal No. 1433 of 2006 .

10. The Director of Public Health & Family Welfare, Andhra Pradesh, Vijayawada shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr MANJULA D HOSMANI
SECRETARY TO GOVERNMENT**

To
Sri D.V. Krishnaiah, formerly Senior Assistant, PHC, Yellayapalem, Nellore
District through the Director of Public Health & Family Welfare, AP, Vijayawada.
The Director of Public Health & Family Welfare, AP, Vijayawada.

Copy to:

The APVC.

The Director General, ACB, PNBS, 2nd Floor, Krishnalanka, AP, Vijayawada.

The OSD to Hon'ble Minister (HFW&ME).

The PS to Secretary to Government, HM&FW Department.

SF/SC

//FORWARDED::BY ORDER//


SECTION OFFICER
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